

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser
Deputy Director

DATE: February 3, 2009

SUBJECT: BZA Application 17877 - Request filed by Pillsbury, Winthrop, Shaw, LLP for an **area variance** for a building addition at 1626 Wisconsin Avenue, N.W., for Jupiter's Trail, LLC.

APPLICATION

Application of Jupiter's Trail, LLC for:

A variance to § 772.1 of Title 11 DCMR, to increase the maximum lot occupancy from 60 to 81 percent;

for a new mixed use development on property located on the west side of Wisconsin Avenue and the east side of 33rd Street, north of R Street, N.W.

SUMMARY RECOMMENDATION

The Office of Planning recommends **APPROVAL** of the requested variance.

AREA DESCRIPTION

Square:	1279	Lots:	232	Quadrant:	North West
Area:	5,038 SF	Zone:	C-2-A	Historic District:	Georgetown
Alley Width:	None	Building Restriction Line:	None		
Future Land Use Map:	Wisconsin Avenue- Low Density Commercial 33 rd Street- Moderate Density Residential				

COMMUNITY BUSINESS CENTER DISTRICTS (C-2)

"The C-2-A District is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core." (§ 720.2)

Surrounding Properties:

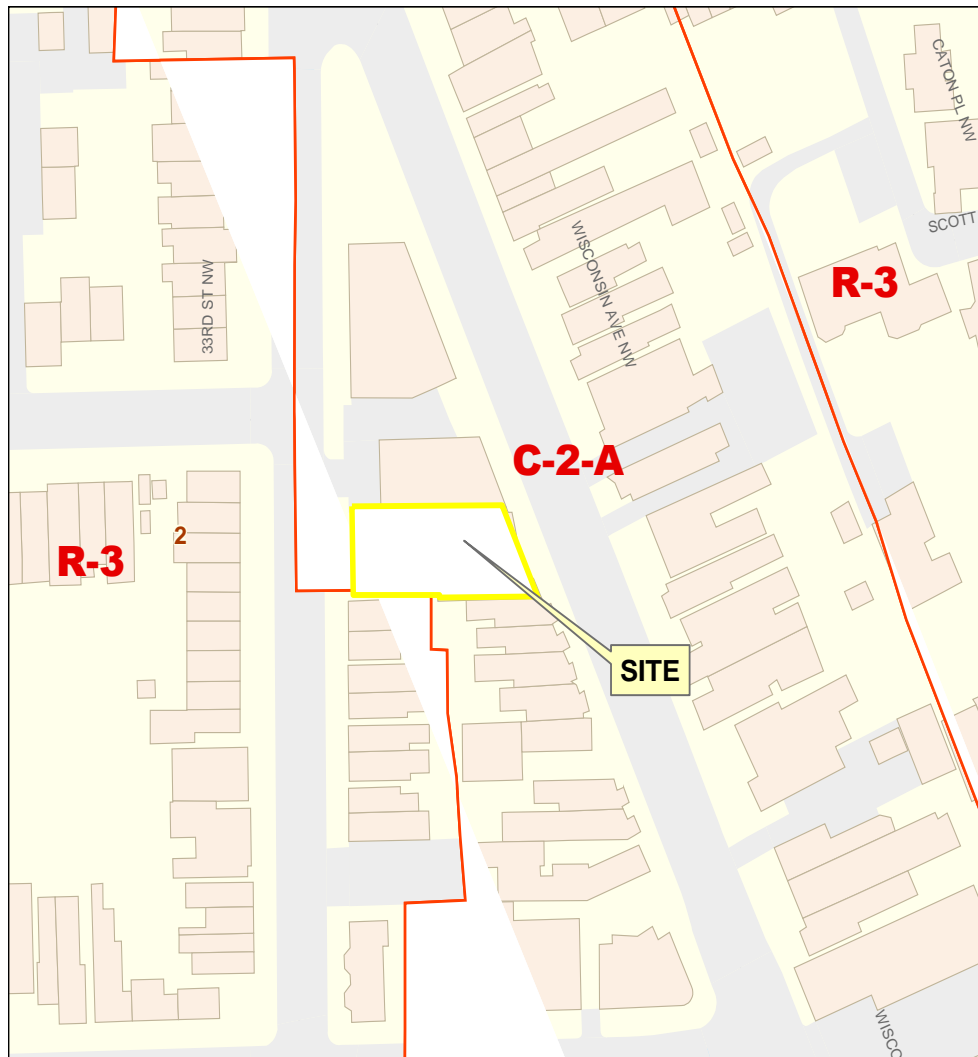
North: Retail building and an office building within the C-2-A district.

South: Commercial buildings fronting on Wisconsin Avenue within the C-2-A district; and semi-detached dwellings fronting on 33rd Street within the R-3 district.

East: Across Wisconsin Avenue, commercial buildings within the C-2-A district.

West: Across 33rd Street, row dwellings within the R-3 district.

All surrounding properties are located within the Georgetown Historic District.



Zoning & Vicinity Map

EXISTING DEVELOPMENT

The subject property is improved with a two-story plus basement building occupying the entire frontage along Wisconsin Avenue. The first level is used for commercial purposes and the second floor is currently vacant.

At the rear all three floors are exposed due to a change in grade from Wisconsin Avenue to 33rd Street. The area to the rear of the building property is paved and improved with four off-street parking spaces, with all vehicular access from 33rd Street. Pedestrian access into the basement is available from the rear, or 33rd Street side of the building.

PROJECT DESCRIPTION

The application proposes the construction of a three-story building addition onto the rear of an existing commercial building at 1626 Wisconsin Avenue. The building addition would contain two residential dwelling units designed to appear as two row houses fronting on 33rd Street. The first floor of the existing building would continue to be used commercially, with the second floor used for either commercial or residential purposes, depending on market demand. No changes are proposed to the Wisconsin Avenue façade.

The building addition would be attached to the existing structure on the south side of the property, creating a 'U' shaped building. A courtyard would be located to the rear of each of the new residential units, improved with grass and shrubs. The courtyard for the new unit on the south side of the building would be designed to align with and abut the rear yard of the adjacent semi-detached dwelling.

Access to off-street parking for the entire building would be from 33rd Street, at ground level and through a gated entrance at the center of the 33rd Street façade. Parking for the new units would be on the ground level, beneath the respective units. One parking space would be provided for each unit. Five additional parking spaces would be located beneath and provide parking for the existing structure, accessed via the same driveway entrance on 33rd Street. Due to a change in grade between Wisconsin Avenue and 33rd street, the basement level of the existing Wisconsin Avenue building is at grade at the rear of the structure, facing 33rd Street. No loading spaces are required or required.

Maximum lot occupancy permitted within the C-2-A district is 60 percent for buildings that include residential use. A lot occupancy of 100 percent is permitted for buildings that do not include residential use.

RELIEF REQUESTED:

Variance to § 772.1 – Percentage of Lot Occupancy in Commercial Districts

Uniqueness

The subject property is unique in that it fronts on two public streets and has no alley access. As a result, there is no side of the property facing an alley that can be appropriately used as a rear for vehicular access. Therefore, 33rd Street functions as the point of access for vehicles, giving the appearance of the alley side of the property on what is otherwise a predominantly residential block improved with row and semi-detached dwellings. Additionally, off-street parking access must continue to be provided from 33rd Street, as it is not possible to provide vehicular access from Wisconsin Avenue as a result of the location of the existing historic building occupying the entire frontage.

Dwellings are permitted as a matter of right within commercial districts. However, a separate residential building on the subject property would not be permitted because it would be a second principal building on one lot. Therefore, the construction of a residential façade along the 33rd Street frontage can only be accomplished by physically attaching the residential units to the existing building, resulting in one larger building. The Future Land Use Map recommends commercial use on the Wisconsin Avenue side of the site and residential use on the 33rd Street side, consistent with the application.

Peculiar and Exceptional Practical Difficulty

The peculiar and exceptional practical difficulty is that in order for the applicant to provide residential use on the 33rd Street side of the property, in conformance with the use provisions of the C-2-A district and the Future Land Use Map, and continue to provide access to parking from 33rd Street, the design of the

building is constrained. The residential building addition must be attached to the existing building to create only one building on the site so that there would only be one principal building. The residential façade provided would be consistent with the Future Land Use Map, while providing access to parking for the commercial and residential uses. As off-street parking cannot be provided between a building and a lot line, vehicular access must be provided through the building, resulting in a portion of the building devoted to parking access that also contributes to lot occupancy, but providing no interior residential floor space. The combination of having to attach the building addition to the existing structure, increasing the size of the building, and the need to provide vehicular access through building and reducing amount of available residential square footage contributing to lot occupancy, results in fewer options available in the layout of the site and an increase in the size of the structure.

Intent, Purpose and Integrity of the Zone Plan

The requested variance will not impair the intent, purpose and integrity of the Zone Plan. The lot occupancy is only greater than what is permitted as a matter of right if the building contained no residential use by one percent, and it is designed to provide residential use only along the 33rd Street façade, consistent with the Future Land Use Map. The requested variance would allow the applicant to provide a residential façade and residential use along 33rd Street, consistent with the existing residential development on that block of 33rd Street.

AGENCY COMMENTS

Comments were requested from **DDOT**; however, none were received.

Commission on Fine Arts (CFA) approval was required because the site is located within the Georgetown Historic District. In memo dated December 17, 2007, the CFA indicated that it had no objection to the proposal.

COMMUNITY COMMENTS

ANC 2E, at its regularly scheduled meeting of January 6, 2009, voted in support of the application.

A petition, signed by 10 residents of the 1600 block 33rd Street, N.W., was submitted in support of the application.

RECOMMENDATION

The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for a variance. The Office of Planning concludes that the requested variance meets the required tests and can be granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."

The Office of Planning recommends **APPROVAL** of the following:

A variance to § 772.1 of Title 11 DCMR, to increase the maximum lot occupancy from 60 to 81 percent.